

IN THE TENNESSEE PUBLIC UTILITY COMMISSION
AT NASHVILLE, TENNESSEE

IN RE:

PETITION OF NAVITAS TN NG, LLC
FOR APPROVAL OF AN ADJUSTMENT
IN THE RATES, CHARGES, AND
TARIFFS

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Docket No. 19-00057

CONSUMER ADVOCATE'S PETITION TO INTERVENE

Herbert H. Slatery III, Attorney General and Reporter for the State of Tennessee, by and through the Consumer Advocate Unit in the Financial Division of the Office of the Attorney General (Consumer Advocate), pursuant to Tenn. Code Ann. § 65-4-118, respectfully petitions the Tennessee Public Utility Commission (TPUC or Commission) to grant the Consumer Advocate's intervention into this proceeding because consumers' interests, rights, duties, or privileges may be determined or affected by the *Petition of Navitas TN NG, LLC for Approval of an Adjustment in the Rates, Charges, and Tariffs (Petition)* filed in this Docket. For cause, the Consumer Advocate would show as follows:

1. The Consumer Advocate is authorized by Tenn. Code Ann. § 65-4-118 to represent the interests of Tennessee consumers of public utility services by initiating and intervening as a party in any matter or proceeding before the TPUC in accordance with the Uniform Administrative Procedures Act, Tenn. Code Ann. § 4-5-101 *et seq.*, and TPUC rules.

2. Navitas TN NG, LLC (Company) is a public utility regulated by the Commission and is in the business of operating local gas distribution companies and focusing on rural distribution systems. Its principal office and place of business is located at 3186 Airway Avenue, Suite D, Costa Mesa, California 92626. The Company has a local office located at 605 Sunset Trail, Jellico, Tennessee 37762.

3. The Company filed this *Petition* with supporting testimony on July 3, 2019.

4. The Company explains that this request is being driven by a “calculated revenue deficiency during the test year 2018 of approximately \$128,957.”¹ In addition, the Company alleges that it is facing (a) increasing capital costs due to new growth opportunities and securing an adequate natural gas supply for current and future needs; (b) increasing state and federal compliance standards; (c) increasing investment in new employees; and (d) increasing expenses such as cost of health care, labor, gasoline, and property taxes.²

5. In the testimony in support of the *Petition*, the Company requests the Commission to affirm the disconnect fee which was implemented in the 2012 Docket.³ The Company explains that the fee was implemented to address the “gaming of the tariffs” by customers to avoid customer charges during the summer months.⁴

6. The Company’s last rate case was filed on July 2, 2012 (2012 Docket).⁵ In the 2012 Docket, the Parties negotiated a Stipulation and Settlement Agreement, which the Commission approved with modifications by a written order issued on April 18, 2013.⁶

7. The interests of consumers, including without limitation the proposed increase in rates to be paid by the Company’s consumers under the *Petition*, may be affected by determinations and orders made by the Commission with respect to (i) the interpretation, application, and implementation of Tenn. Code Ann. § 65-5-103 and other relevant statutory and regulatory

¹ Thomas Hartline Direct Testimony, p. 3, lines 15-16, TPUC Docket No. 19-00057 (July 3, 2019).

² *Petition* at p. 3.

³ Thomas Hartline Direct Testimony, p. 5, lines 10-11.

⁴ *Id.* at p. 5, lines 8-11.

⁵ *Petition of Navitas TN NG, LLC for an Adjustment to its Natural Gas Rates and Approval of Revised Tariffs*, TPUC Docket No. 12-00068 (July 2, 2012).


⁶ *Order Approving Settlement Agreement with Modifications*, TPUC Docket No. 12-00068 (April 18, 2013). The Commission verbally approved the Settlement Agreement with Modifications in a hearing on February 13, 2013. Transcript of Proceedings, *In the Matter of: Tennessee Regulatory Authority Petition of Navitas TN NG, LLC*, pp. 6-7 (Feb. 13, 2013).

provisions and (ii) the review and analysis of the documentation, financial spreadsheets, and materials provided by the Company.

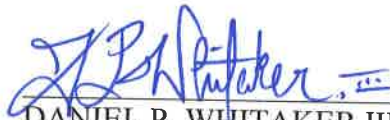
8. Only by participating as a party in this proceeding can the Consumer Advocate adequately carry out its statutory duty to represent the interests of Tennessee consumers.

Wherefore, the Consumer Advocate requests TPUC grant this *Petition to Intervene*.

RESPECTFULLY SUBMITTED,


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6, JAG


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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served via U.S. Mail or electronic mail upon:

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This the 12th day of July, 2019.



DANIEL P. WHITAKER III